

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**V.**

**\$40,430.00 IN UNITED STATES CURRENCY,**

**Defendant.**

**8:05CV82**

## ORDER SETTING ASIDE ENTRY OF DEFAULT

This matter is before the Court on the Plaintiff's Motion for Default Judgment and Decree of Forfeiture against the Defendant and any claimants (Filing No. 14) and on the Motion to Set Aside the Clerk's Entry of Default filed by Claimant Evelyn L. Lee (Filing No. 15). Claimant Evelyn Lee has provided some evidence that her neglect in failing to respond to the Complaint in a timely manner is excusable because she erroneously, though perhaps reasonably, believed that her communications with other offices of the United States government was a sufficient response to the Plaintiff's legal action. Lee asserts ownership of the property identified as the Defendant in this case, and she has shown good cause why default judgment should not be entered. (Filing No. 15 and attachments). For these reasons,

IT IS ORDERED:

1. The Plaintiff's Motion for Default Judgment and Decree of Forfeiture (Filing No. 14) is denied;
2. The Clerk's Entry of Default (Filing No. 13) is stricken; and
3. Claimant Evelyn L. Lee may file a claim and an Answer in this action on or before Friday, July 1, 2005.

Dated this 23<sup>rd</sup> day June, 2005.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge